

REMARKS

Claims 1-9 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 3-4, and 8-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nitta (U.S. Pat. No. 5,338,508). This rejection is respectfully traversed.

Claim 1 has been amended to recite a raw powder for sintering comprising 0.15 to 1.0 wt% of Nb. Nitta fails to disclose a raw powder including Nb. Because Nitta fails to disclose a raw powder including Nb, Nitta fails to disclose every aspect of the claimed invention. Accordingly, claim 1 and each corresponding dependent claim are not anticipated by Nitta.

Applicants respectfully request, therefore, that the rejection under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 2, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Talmage (U.S. Pat. No. 3,460,940). This rejection is respectfully traversed.

As stated above, claim 1 has been amended to recite a raw powder including Nb in an amount in the range of 0.15 to 1.0 wt%. Talmage is also completely silent with respect to using Nb in a raw powder. Talmage also fails to suggest or provide

motivation to utilize Nb in a raw powder. Because Talmage fails to teach, suggest, or provide motivation to use Nb in a raw powder, Applicants respectfully assert that claim 1 and each corresponding dependent claim would not have been obvious in view of the teachings of Talmage.

Furthermore, although the Examiner alleges that it would have been obvious to one skilled in the art to utilize a mean grain size of less than 8.5 μm , as claimed, Applicants respectfully assert that such a grain size would not have been obvious based on the teachings of Talmage. More particularly, simply forming the mean grain size of the raw powder to be 10 μm or less cannot achieve the effects of the claimed invention. This is shown, for example, by the comparative example of Table 1 in the specification of the present invention. The comparative example utilizes a mean grain size of 8.8 μm . Notwithstanding, the comparative example merely achieves a relative density of 95.9%. Utilizing this information in conjunction with the teachings of Talmage, Applicants respectfully assert that one skilled in the art would not find the claimed range of less than 8.5 μm obvious in view of Talmage's broad teaching of less than 10 μm .

Claims 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nitta (U.S. Pat. No. 5,338,508) in view of Kiyota (U.S. Pat. No. 5,006,164). This rejection is respectfully traversed.

Claims 5-7 ultimately depend from independent claim 1, addressed above. Namely, Nitta fails to teach, suggest, or provide motivation to utilize a raw powder comprising Nb. Because Nitta fails to teach, suggest, or provide motivation to utilize a raw powder comprising Nb, claims 5-7 are not obvious for at least the same reasons as independent claim 1.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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